

ASSEMBLY BILL

No. 334

Introduced by Assembly Member Fuentes

February 18, 2009

An act to add Section 14011.11 to the Welfare and Institutions Code, relating to Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 334, as introduced, Fuentes. Medi-Cal: eligibility: inmates.

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, and under which qualified low-income persons receive health care benefits. The Medi-Cal program is governed, in part, by federal Medicaid provisions.

Existing law, commencing the later of January 1, 2010, or the date that all necessary federal approvals are obtained, requires, to the extent permitted under federal law, Medi-Cal benefits provided to an individual under 21 years of age who is an inmate of a public institution to be suspended, rather than terminated. Existing law requires county welfare departments to notify the department within 10 days of receiving information that an individual under 21 years of age on Medi-Cal in the county is or will be an inmate of a public institution. Existing law also requires, by a specified time period, the department, in consultation with the Chief Probation Officers of California and the County Welfare Directors Association, to establish the protocols and procedures necessary to implement these provisions.

This bill would expand the above provisions, commencing the later of January 1, 2011, or the date that all necessary federal approvals are

obtained, to the extent permitted under federal law, to an individual who is 21 years of age or older who is an inmate of a public institution.

By expanding the duties of county welfare departments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14011.11 is added to the Welfare and
2 Institutions Code, to read:
3 14011.11. (a) Benefits provided under this chapter to an
4 individual 21 years of age or older who is an inmate of a public
5 institution shall be suspended in accordance with Section
6 1396d(a)(28)(A) of Title 42 of the United States Code as provided
7 in subdivision (c).
8 (b) County welfare departments shall be required to notify the
9 department within 10 days of receiving information that an
10 individual 21 years of age or older on Medi-Cal in the county is
11 or will be an inmate of a public institution.
12 (c) If an individual 21 years of age or older who is a Medi-Cal
13 beneficiary on the date he or she becomes an inmate of a public
14 institution, his or her benefits under this chapter and under Chapter
15 8 (commencing with Section 14200) shall be suspended effective
16 the date he or she becomes an inmate of a public institution. The
17 suspension will end on the date he or she is no longer an inmate
18 of a public institution or one year from the date he or she becomes
19 an inmate of a public institution, whichever is sooner.
20 (d) Nothing in this section shall create a state-funded benefit or
21 program. Health care services under this chapter and Chapter 8
22 (commencing with Section 14200) shall not be available to inmates
23 of public institutions whose Medi-Cal benefits have been suspended
24 under this section.

1 (e) This section shall be implemented only if and to the extent
2 allowed by federal law. This section shall be implemented only to
3 the extent that any necessary federal approval of state plan
4 amendments or other federal approvals are obtained.

5 (f) If any part of this section is in conflict with or does not
6 comply with federal law, this entire section shall be inoperable.

7 (g) This section shall be implemented on January 1, 2011, or
8 the date when all necessary federal approvals are obtained,
9 whichever is later.

10 (h) By January 1, 2011, or the date when all necessary federal
11 approvals are obtained, whichever is later, the department, in
12 consultation with the Chief Probation Officers of California and
13 the County Welfare Directors Association, shall establish the
14 protocols and procedures necessary to implement this section.

15 (i) Notwithstanding Chapter 3.5 (commencing with Section
16 11340) of Part 1 of Division 3 of Title 2 of the Government Code,
17 the department shall implement this section by means of all-county
18 letters or similar instructions without taking regulatory action.
19 Thereafter, the department shall adopt regulations in accordance
20 with the requirements of Chapter 3.5 (commencing with Section
21 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

22 SEC. 2. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.